

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26515 of 2016**

Arising Out of PS.Case No. -46 Year- 2016 Thana -KALYANPUR District- SAMASTIPUR

- =====
1. Mithilesh Kumar
  2. Mukesh Kumar @ Mukesh Roy both sons of Shambhu Roy null
  3. Kappal Rai @ Kapleshwar Roy
  4. Shambhu Roy Both sons of Late Pradip Roy
  5. Gauri Roy son of Kappal Rai All resident of Village Rambhadrapur, P.S- Kalyanpur, District- Samastipur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**

ORAL ORDER

3      24-08-2016                      Heard both sides.

The petitioners apprehend their arrest in Kalyanpur P.S. Case No. 46/2016, registered for the offences punishable under Sections 302, 201, 120(B) of the Indian Penal Code.

The informant filed complaint petition on 27.04.2015 and alleged that his son Santosh Kumar was living with Mithilesh Kumar in a room and reading in graduate. Mithilesh Kumar brought the dead body of his son and persuaded the informant and others to cremate the dead body. The informant suspected that the petitioners killed his son.

Learned counsel for the petitioners submits that after one month of the occurrence the informant filed complaint case.

On the basis of present FIR the case has been filed. The investigating officer did not collect any materials to show the involvement of the petitioner. It is submitted that the house owner and others have stated that Mithilesh Kumar shouted that Santosh was ill and when they came there they found Santosh was lying dead. The uncle of the deceased also disclosed that on information he went to the hostel and brought the dead body.

Learned A.P.P. did not dispute the fact.

Save and except suspicion there is no material on record to show that the petitioners killed the son of the informant.

Considering the facts aforesaid, the petitioners above named in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Prabhat Kumar Jha, J.)**

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